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Attorneys for CITY OF SAN JOSE

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSÉ DIVISION

CAROLYN H. FRIIS,

### Judgment Creditor,

v.

CITY OF SAN JOSÉ, et al.

**Judgment Debtor.**

| Case Number: CV 08-80027 MISC RMW

**DECLARATION OF JAMES YOUNG IN  
SUPPORT OF MOTION TO VACATE,  
STRIKE AND SEAL**

Date: Friday, September 19, 2008

Time: 9:00 a.m.

Courtroom: 6 (4th Floor)

Judge: Hon. Ronald M. Whyte

I, James Young, declare:

1. I am a Code Enforcement Inspector for the City of San José (City) in the Code Enforcement Division ("Code Enforcement"). I have personal knowledge of the facts as set forth in this declaration and, if called upon to do so, could testify competently to the matters herein.

2. On or about November 2, 2007, I appeared at the Santa Clara County Superior Court in the *Matter of City of San José Inspection Warrant* for 1752 Guadalupe Avenue; San José, California 95125 ("Property") (Case Number CIS0030). Based in part upon my declaration in support of the Inspection Warrant, Judge Thomas Hastings issued the Inspection Warrant. In essence, the Property had long been the subject of complaints

1 to the City of San José Code Enforcement Division. Years of inspections and  
2 administrative proceedings did not result in voluntary compliance with the City of San  
3 José's Municipal and Building Codes. True and correct copies of the Declaration in  
4 support of the Inspection Warrant and the Inspection warrant are attached as Exhibit "A"  
5 and "B" respectively.

6 3. On or about November 14, 2007, I was part of the team that served the  
7 Inspection Warrant upon Ms. Carolyn Friis and I inspected the property. As a result of the  
8 inspections, the City of San José, Code Enforcement Division issued Citation Number  
9 J3147256. A true and correct copy of the Citation is attached as Exhibit "C".

10 4. On or about January 16, 2008, the Deputy Director of Code Enforcement,  
11 Michael Hannon, met with Carolyn Friis. During that meeting, the City agreed to dismiss  
12 the Citation in exchange for voluntary compliance with the San José Municipal Code,  
13 specifically, removing illegal structures. A true and correct copy of the confirming letter  
14 from Code Enforcement's file kept in the ordinary course of business of the City of San  
15 José is attached as Exhibit "D".

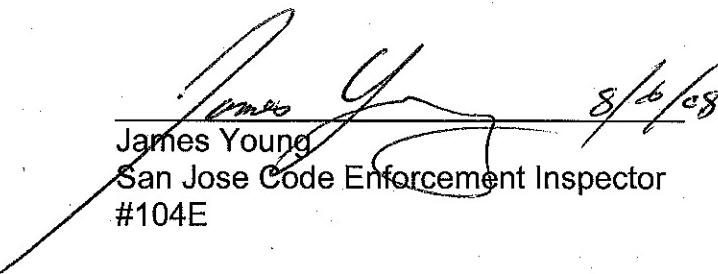
16 5. On February 8, 2008, Ms. Friis sent a letter to the City, with a copy of the  
17 Citation and the City's letter. Copies of the documents provided are attached hereto as  
18 Exhibit "E" which are kept in the ordinary course and scope of City business.

19 6. On or about June 25, 2008, I conducted another inspection of the Property.  
20 The individual who answered the door at the Property did not permit access. It appeared  
21 from my exterior observation that the Property continued to be not in compliance with the  
22 San José Municipal Code.

23 7. On or about July 8, 2008, I received another letter from Ms. Friis dated June  
24 26, 2008, in which she now seeks the total sum of twelve million dollars (\$12,000,000.00)  
25 from myself and the City of San José. Further, she requests the name of the City of San  
26 José's claim and bond office. A true and correct copy of this letter received by the City of  
27 San José in the ordinary course and scope of its business is attached hereto as Exhibit  
28 "F".

1 I declare under penalty of perjury pursuant to the laws of the State of California that  
2 the foregoing is true and correct and that I could competently testify thereto if called as a  
3 witness. As to those matters alleged on information or belief, I am informed and believe  
4 them to be true and correct.

5 Executed this \_\_\_\_ day of August, 2008, in San Jose, California.  
6

7   
8 James Young  
9 San Jose Code Enforcement Inspector  
10 #104E  
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28

**EXHIBIT A**

1 RICHARD DOYLE, City Attorney (#88625)  
2 GEORGE RIOS, Assistant City Attorney (#77908)  
3 RICHARD D. NORTH, Deputy City Attorney (#225617)  
4 Office of the City Attorney  
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9 E-Mail Address: cao.main@sanjoseca.gov

10 Attorneys for Plaintiff  
11 THE PEOPLE OF THE STATE OF CALIFORNIA

**FILED**

NOV 02 2007

12 SUPERIOR COURT OF CALIFORNIA

13 COUNTY OF SANTA CLARA

14 SAN JOSE DIVISION

KIRI TORRE

Chief Executive Officer/Clerk

By *[Signature]* Deputy

15 In the Matter of the Application of  
16 THE CITY OF SAN JOSE for:

17 Inspection Warrant re: Premises at:

18 1752 Guadalupe Avenue  
19 San Jose, California 95125

NO.

**DECLARATION OF JAMES YOUNG  
IN SUPPORT OF APPLICATION FOR  
INSPECTION WARRANT**

[CCP Sec. 1822.50 et seq.]

20 I, James Young, certify, or on information and belief, declare:

21 1. I am a Code Enforcement Inspector for the Code Enforcement Division of  
22 the City of San Jose ("Code Enforcement"). I have personal knowledge of the laws and  
23 regulations of the City of San Jose and other laws and regulations. My current official  
duties include the enforcement of provisions of the San Jose Municipal Code ("Municipal  
Code") relating to zoning, housing, neighborhood blight and public safety. These duties  
include conducting field inspections of residential properties in response to citizen  
complaints and/or reports of nonconformity with the Municipal Code.

**San Jose Municipal Code Ordinances At Issue**

24 2. In such capacity, I have the authority and responsibility to enforce, among  
25 other things, Titles 17, 20 and 24 of the Municipal Code. Pursuant to Municipal Code  
26 section 17.02.040, my authority includes a right of entry to make an inspection when  
27 necessary to enforce the provisions of the Municipal Code. In particular, I have the

1 authority and responsibility to enforce the following provisions of the Municipal Code at  
2 issue in the instant case:<sup>1</sup>

3       3.     Section 17.20.920, prohibiting any person, as owner or agent, from  
4 constructing, using, occupying or maintaining any substandard building. Pursuant to  
5 Section 17.20.900, "substandard housing" includes buildings with hazardous wiring, fire  
6 hazards, faulty construction materials, hazardous premises or improper occupancy.

7       4.     Section 20.10.030, prohibiting any person from using or allowing the use of  
8 buildings or structures except in strict compliance with Title 20, including as pertains to  
9 development and performance standards and to the issuance of permits. The temporary  
10 or transitory use of a structure does not exempt it from this requirement.

11       5.     Section 24.02.100, prohibiting any building or structure regulated by Title 24  
12 to be erected, constructed, enlarged, altered, repaired, improved or converted without  
13 obtaining a separate and appropriate permit for each building or structure.

14       6.     Section 24.02.550, prohibiting connections from a source of energy to  
15 building service equipment without approval from a building official. Pursuant to Section  
16 24.01.228, "building service equipment" includes plumbing and electrical equipment  
17 including wiring, fixtures and other accessories which provide sanitation, lighting, heating,  
18 cooling or refrigeration.

19              **Property Owner**

20       7.     On June 28, 2007, I checked with WINDATA2 and the County Recorder's  
21 Office and found that the property located at 1752 Guadalupe Avenue, San Jose,  
22 California (the "Subject Property") was owned by Guadalupe Acres Trust with Carolyn H.  
23 Friis as trustee ("Property Owner").

24              **No Permits**

25       8.     On June 28, 2007, I checked the City's databases (AMANDA and CHRIS) for  
26 building permits that may have been issued for the Subject Property, particularly with  
27 regard to the construction, alteration or improvements to three wooden accessory

28       <sup>1</sup> True and correct copies of the listed and other relevant Municipal Code sections are attached hereto as  
Exhibit A.

1 structures at the rear of the Subject Property, the converted garage or room additions. I  
2 did not locate any building permits for the Subject Property.

3           **Observations**

4       9. I am informed and believe that located on the Subject Property are three  
5 wooden accessory structures in violation of the Municipal Code. Two of the wooden  
6 structures have electrical wiring and lighting and one of the wooden structures has  
7 installed plumbing. I am also informed and believe that in violation of the Municipal Code  
8 there is an improper room addition to the side of the house and a patio room addition to  
9 the rear of the house and that the garage has been improperly converted into living space.  
10 I am further informed and believe that in violation of the Municipal Code the Property  
11 Owner is or has been renting to tenants or otherwise occupying these unpermitted  
12 structures and spaces. This is based on my investigation, knowledge, training, expertise  
13 and observations as reflected in this Declaration and my Background Report documenting  
14 my activity on this case from June 27, 2007 through October 12, 2007. A true and correct  
15 copy of my Background Report is attached hereto as **Exhibit B** and incorporated herein  
16 by reference.

17       10. On June 27, 2007, Code Enforcement received a complaint of three  
18 unpermitted structures in the rear yard of the Subject Property, illegal occupancy in the  
19 unpermitted structures, roof leaks, an unpermitted room addition in the patio area and  
20 plumbing and electrical Municipal Code violations.

21       11. Also on June 27, 2007, I went to the Subject Property and met the  
22 complainant, who identified himself as a tenant and property manager of the Subject  
23 Property. The complainant had a key and provided me with access to two of the  
24 unpermitted structures. I was not provided with access to other structures or the main  
25 house as the complainant stated that these areas were occupied and that he could not  
26 grant access to them. In the course of my inspection, I observed: (1) three wooden  
27 accessory structures evidencing use as living space, two of which had electrical wiring and  
28 lighting and one of which had plumbing installed; (2) a room addition to the side of the

1 house; and (3) a patio room addition to the rear of the house. I was further informed by  
2 the complainant that that the garage had been converted into living space and that all of  
3 the spaces were being rented to tenants. True and correct copies of photographs taken  
4 by me that day are attached hereto as **Exhibit C**.

5 12. On June 29, 2007, I mailed copies of a Compliance Order to the Property  
6 Owner, which required the Property Owner to schedule building compliance inspections  
7 and public works inspections, cease the improper occupancy and vacate all unpermitted  
8 structures, additions and conversions on or before July 16, 2007. The Compliance Order  
9 further required the Property Owner to obtain the required permits and correct all  
10 Municipal Code violations by July 30, 2007. A true and correct copy of the Compliance  
11 Order is attached hereto as **Exhibit D**.

12 13. On July 10, 2007, the Property Owner called and left me a voicemail stating  
13 that the Subject Property had been inspected in the past and that the complaints were  
14 invalid.

15 14. On July 11, 2007, I spoke with the Property Owner and informed her of my  
16 observations and the results of my research in the City databases. The Property Owner  
17 argued that the additions were "grandfathered" or legal non-conforming. The Property  
18 Owner explained that the three accessory structures, garage conversion and room  
19 additions had been approved by Santa Clara County when the Subject Property was  
20 within their jurisdiction. The Property Owner admitted that she had no documents from  
21 Santa Clara County to support her position. I requested an opportunity to meet with the  
22 Property Owner to conduct an inspection. The Property Owner refused and stated that  
23 she did not need to provide anything to Code Enforcement.

24 15. On July 17, 2007, I left a voicemail for the Property Owner reminding her to  
25 contact the Building Division to schedule an inspection. I also informed the Property  
26 Owner that following the inspection, the Building Division would provide the Property  
27 Owner with a report detailing her options for corrective measures.  
28

1       16. On July 20, 2007, I am informed and believe that the Property Owner spoke  
2 with Code Enforcement Division Supervisor Nwokolo and explained her position with  
3 regard to the legal non-conforming status of the structures on her property. I am further  
4 informed and believe that Supervisor Nwokolo advised the Property Owner to contact the  
5 Planning Division to apply for non-conforming status. I am further informed and believe  
6 that the Property Owner told Supervisor Nwokolo that she had not scheduled an  
7 inspection with the Building Division and was not sure whether she had a copy of the  
8 Compliance Order. I am further informed and believe that Supervisor Nwokolo faxed a  
9 copy of the Compliance Order to the Property Owner.

10      17. Also on July 20, 2007, I spoke with the Property Owner by telephone and  
11 informed her that she should follow the requirements of the Compliance Order and  
12 schedule a building compliance inspection. The Property Owner told me that she would  
13 not contact the Building Division or allow an inspection of her property.

14      18. On July 31, 2007, I spoke with the Property Owner and advised her that if  
15 she fails to schedule a building compliance inspection, Code Enforcement would be forced  
16 to request an inspection warrant from the Court. I received a voicemail later that day from  
17 someone identifying himself as Gregory Owens.

18      19. On August 1, 2007, I spoke with Mr. Owens, who identified himself as a  
19 friend of the Property Owner. I explained to Mr. Owens that I had researched City and  
20 County records and had not located any permits for the three wooden structures,  
21 converted garage or room additions on the Subject Property. I also explained that the  
22 Property Owner needed to contact the Planning Division if she wished to apply for legal  
23 non-conforming status.

24      20. On August 2, 2007, I located a closed Appeals Hearing Board ("AHB") matter  
25 (Case No. HG-98-1094) relating to the Subject Property. The AHB passed resolution #99-  
26 85 on August 26, 1999, which ordered the Property Owner to pay \$5,651 in costs and  
27 penalties by September 26, 1999 and to correct violations associated with the  
28 "construction of accessory structures, a garage conversion and enclosed patio without the

1 proper building permits." A true and correct copy of AHB resolution #99-85 is attached  
2 hereto as **Exhibit E**.

3       21. On August 15, 2007, I called the Property Owner to again request an  
4 inspection of the Subject Property, which she refused. I later received a call from Mr.  
5 Owens, who requested information as to why the City was taking an enforcement action  
6 against the Property Owner. I explained again that on my initial inspection, I had observed  
7 possible Municipal Code violations and had not been able to access the garage and patio  
8 areas where I suspected the possibility of Municipal Code violations. I further explained  
9 that a full inspection had been required by the Compliance Order but that the inspection  
10 had not happened. I further explained that I had located a 1999 AHB resolution requiring  
11 the Property Owner to correct violations that were the same or similar to the current  
12 possible violations. Mr. Owens stated that the Property Owner had previously paid the  
13 liens against the Subject Property, that the Property Owner had legal non-conforming  
14 status and that the Property Owner had drafted a letter outlining her position.

15       22. Also on August 15, 2007, Code Enforcement received a letter from the  
16 Property Owner. In sum, the letter stated that the claims of possible violations were  
17 unwarranted and that the complainant had made the complaint in retaliation for a back  
18 rent/eviction dispute with the Property Owner. The letter also reasserted that the Subject  
19 Property had legal non-conforming status and that all liens and fines had been paid. After  
20 receiving the letter, I am informed and believe that Supervisor Nwokolo called Mr. Owens  
21 and again instructed him that the Property Owner should contact the Planning Division to  
22 apply for legal non-conforming status and that a search of City and County records had  
23 uncovered no permits for the structures at issue. A true and correct copy of the Property  
24 Owner's August 15, 2007 letter is attached hereto as **Exhibit F**.

25       23. On August 20, 2007, I wrote a responsive letter to the Property Owner and  
26 mailed it via certified mail. The letter reiterated that no permits had been found in City or  
27 County records, that the Property Owner needed to apply for legal non-conforming status  
28 with the Planning Division and that the Property Owner had still not conformed to AHB

1 resolution #99-85. My letter also formally requested that the Property Owner arrange an  
2 inspection within 10 days of receipt of my letter. A true and correct copy of my August 20,  
3 2007 letter is attached hereto as **Exhibit G**.

4 24. On August 24, 2007, Code Enforcement received confirmation that the  
5 Property Owner received the letter sent on August 20, 2007.

6 25. On September 7, 2007, I made two attempts to call the Property Owner and  
7 received no response to my phone calls. I then drafted and mailed a letter via certified  
8 mail explaining that Code Enforcement would be requesting an inspection warrant  
9 because of the Property Owner's refusal to allow inspection of the Subject Property. A  
10 true and correct copy of my September 7, 2007 letter is attached hereto as **Exhibit H**.

11 26. On September 24, 2007, Code Enforcement received confirmation that the  
12 Property Owner had picked up the September 7, 2007 letter from the local post office.

13 27. On October 1, 2007, Code Enforcement received a letter dated September  
14 25, 2007 from the Property Owner indicating that Mr. Owens was authorized to represent  
15 her interests in the matter. A true and correct copy of the Property Owner's September  
16 25, 2007 letter is attached hereto as **Exhibit I**.

17 28. On October 2, 2007, I drafted and mailed a letter to Mr. Owens notifying him  
18 that, pursuant to the Property Owner's letter dated September 25, 2007, future  
19 correspondence would be directed to both him and the Property Owner. I further notified  
20 Mr. Owens that Code Enforcement was in the process of obtaining an inspection warrant  
21 and that notification of the inspection date would be provided. A true and correct copy of  
22 my October 2, 2007 letter is attached hereto as **Exhibit J**.

23 29. Thereafter, given my observations of possible Municipal Code violations on  
24 the Subject Property, the fact that the Property Owner has failed to correct the same or  
25 similar violations as directed in 1999 by AHB resolution #99-85, and the Property Owner's  
26 ongoing refusal to allow inspection of the Subject Property, I determined that it would be  
27 necessary to request an inspection warrant from the Superior Court.  
28

1       30. It is my belief that a complete inspection of the interior and exterior areas of  
2 the Subject Property, including the front and rear yards and the complete interior and  
3 exterior of the garage, main house and any accessory structures pursuant to an inspection  
4 warrant will show that Municipal Code violations exist at the Subject Property. These are  
5 likely to include, but are likely not limited to, violations of Sections 17.20.920 (General  
6 Obligation), 20.10.030 (Compliance Required), 24.02.100 (Permits Required) and  
7 24.02.550 (Connection to Utilities). I am particularly concerned about possible fire  
8 hazards and other unsafe and unsanitary conditions associated with improper occupancy.

9       31. An inspection warrant is necessary because the Property Owner has refused  
10 to allow inspection of the additions and structures at the Subject Property where possible  
11 Municipal Code violations exist. I have made numerous unsuccessful attempts to  
12 schedule inspections at the Subject Property and have repeatedly urged the Property  
13 Owner to schedule an inspection with the Building Division, to no avail. Throughout the  
14 many months of communicating with the Property Owner and Mr. Owens, I have received  
15 inadequate response.

16       32. I respectfully request that this Court grant judicial authorization to enter the  
17 Subject Property with an inspection team and two San Jose Police Officers to conduct an  
18 inspection of the Subject Property for the purpose of determining whether conditions exist  
19 in violation of the Municipal Code. The inspection shall include all interior and exterior  
20 areas of the Subject Property, including the front and rear yards and the complete interior  
21 and exterior of the garage, main house and any accessory structures.

22       ////

23       ////

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1       33. I declare under penalty of perjury pursuant to the laws of the State of  
2 California that the foregoing is true and correct and that I could competently testify thereto  
3 if called as a witness. As to those matters alleged on information or belief, I am informed  
4 and believe them to be true and correct.

5 Executed this 2nd day of November, 2007, in San Jose, California.

~~James Young~~  
San Jose Code Enforcement Inspector  
#104E

Subscribed and sworn to before me this 2nd day of November, 2007.



# JUDGE OF THE SUPERIOR COURT

THOMAS C. HASTINGS

**EXHIBIT B**

1 RICHARD DOYLE, City Attorney (#88625)  
2 GEORGE RIOS, Assistant City Attorney (#77908)  
3 RICHARD D. NORTH, Deputy City Attorney (#225617)  
4 Office of the City Attorney  
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9 E-Mail Address: cao.main@sanjoseca.gov

10 Attorneys for Plaintiff  
11 THE PEOPLE OF THE STATE OF CALIFORNIA

12 SUPERIOR COURT OF CALIFORNIA

13 COUNTY OF SANTA CLARA

14 SAN JOSE DIVISION

15 In the Matter of the Application of  
16 THE CITY OF SAN JOSE for:

17 Inspection Warrant re: Premises at:

18 1752 Guadalupe Avenue  
19 San Jose, California 95125

20 NO. CIS 0030

21 **INSPECTION WARRANT**

22 [CCP Sec. 1822.50 et seq.]

23 TO THE PEOPLE OF THE STATE OF CALIFORNIA:

24 City of San Jose, Planning, Building, and Code Enforcement Department, Code  
25 Enforcement Inspector James Young, accompanied by any and all inspectors, City  
26 employees, contractors, and/or crew necessary to perform the ordered inspection, and  
27 any two Police Officers of the City of San Jose,

28 Proof by declaration having been made this day before me by James Young, Code  
29 Enforcement Inspector for the Planning, Building, and Code Enforcement Department,  
30 City of San Jose, and it appearing that good cause exists and that there is reason to  
31 believe that conditions exist in violation of the San Jose Municipal Code with respect to the  
32 property at 1752 Guadalupe Avenue, San Jose, California (the "Subject Property"); and  
33 further, that under the circumstances shown an immediate inspection of such premises is  
34 reasonably necessary, to wit: that the property owner has failed to permit Code

1 Enforcement and the Building Department to have complete access to all buildings and  
 2 structures on the Subject Property and to take photographs. Therefore, there has been no  
 3 consent to conduct an inspection for violations of San Jose Municipal Code Sections  
 4 17.20.920 (General Obligation), 20.10.030 (Compliance Required), 24.02.100 (Permits  
 5 Required) and 24.02.550 (Connection to Utilities), and other possible violations, and that  
 6 the findings of preliminary investigations of the Subject Property confirm the opinion of  
 7 Inspector James Young that conditions of nonconformity exist;

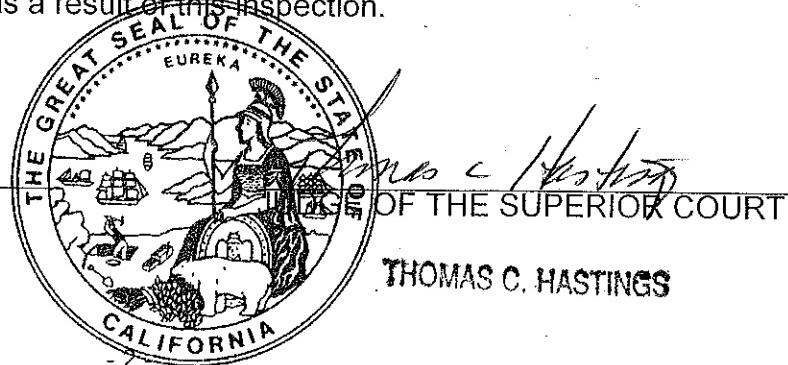
8 AND FURTHERMORE, it appearing that the property owner Carolyn H. Friis, as  
 9 Trustee of Guadalupe Acres Trust, was notified of the conditions of nonconformity and the  
 10 need to bring the property into compliance, and that she was served with a Compliance  
 11 Order by the City of San Jose to correct the violations, and such notices and Compliance  
 12 Order were ignored by her. And that the property owner refused repeated requests for  
 13 inspections by the Code Enforcement Department and refused to schedule an inspection  
 14 with the Building Division.

15 YOU ARE THEREFORE COMMANDED, to enter the Subject Property to inspect all  
 16 interior and exterior areas of the Subject Property, including the front and rear yards and  
 17 the complete interior and exterior of the garage, main house and any accessory structures  
 18 for the purpose of determining whether conditions exist in violation of the San Jose  
 19 Municipal Code as described above.

20 AND, FURTHERMORE PERMITTED, to use forcible entry at all reasonable times,  
 21 including in the property owner's absence.

22 This inspection warrant is effective from the date hereof for a period not to exceed  
 23 fourteen (14) days. This warrant shall be returned to the Court affixed to the criminal  
 24 complaint should one be filed as a result of this inspection.

25 Dated: Nov 2 2007



1                   **ENDORSEMENT FOR FORCIBLE ENTRY**

2                   Good cause appearing, you are hereby authorized to inspect the above-described  
3                   premises by means of forcible entry.

4                   Dated: NOV 2 2007



5                   *[Handwritten signature]*  
6                   JUDGE OF THE SUPERIOR COURT

7                   **THOMAS C. HASTINGS**

8                   THE FOREGOING INSTRUMENT IS  
9                   A CORRECT COPY OF THE ORIGINAL  
10                  ON FILE IN THIS OFFICE

11                  ATTEST: KIRI TORRE

12                  NOV 02 2007

13                  CHIEF EXECUTIVE OFFICER/CLERK  
14                  SUPERIOR COURT OF CA COUNTY OF SANTA CLARA  
15                  IN AND FOR THE COUNTY OF SANTA CLARA  
16                  BY \_\_\_\_\_ DEPUTY



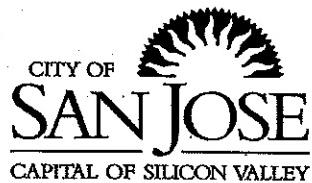
**EXHIBIT C**

SAN JOSE POLICE DEPARTMENT

<b>NOTICE TO APPEAR</b>		<input checked="" type="checkbox"/> MISDEMEANOR		CITATION NO.	
		<input type="checkbox"/> Traffic <input type="checkbox"/> Nontraffic		<b>No. J 3147256</b>	
DATE OF VIOLATION	TIME	AM	DAY OF WEEK	CASE NUMBER	
11/14/07	902	<input type="checkbox"/>	S M T W T F S		
NAME (FIRST, MIDDLE, LAST)					
<u>CAROLYN HAZEL FAJIS</u>					
ADDRESS					
<u>P.O. BOX 1767</u>					
CITY	STATE	ZIP CODE			
<u>LOWER LARK CA 95457</u>					
DRIVER LIC. NO.	STATE	CLASS	AGE	BIRTHDATE	<input type="checkbox"/> JUVENILE (Phone No.)
<u>V8032426</u>		<u>C</u>		<u>817 138(1)</u>	
SEX	HAIR	EYES	HEIGHT	WEIGHT	RACE
<u>F</u>	<u>BLN</u>	<u>GRN</u>	<u>5'1</u>	<u>118</u>	
OTHER DESCRIPTION					
VEH. LIC. NO. OR VIN.	STATE	<input type="checkbox"/> COMMERCIAL VEHICLE (Veh. Code, § 15210(b))			
YR. OF VEH.	MAKE	MODEL	BODY STYLE	COLOR	<input type="checkbox"/> HAZARDOUS MATERIAL (Veh. Code, § 353)
					<input type="checkbox"/> SAME AS DRIVER
EVIDENCE OF FINANCIAL RESPONSIBILITY					
REGISTERED OWNER OR LESSEE	<input type="checkbox"/> SAME AS DRIVER				
ADDRESS					
CITY	STATE	ZIP CODE			
CORRECTABLE VIOLATION (Veh. Code, § 40810)					
<input type="checkbox"/> BOOKING REQUIRED					
MISDEMEANOR OR INFRACTION (Circle)					
YES	NO	CODE AND SECTION	DESCRIPTION		
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>20.10.030 EXCERPTIONS REQUIRED</u>	<u>M</u>		
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>17.20.900 M1 IMPROPER OCCUPANCY</u>	<u>M1</u>		
<input type="checkbox"/>	<input type="checkbox"/>		<u>M1</u>		
<input type="checkbox"/>	<input type="checkbox"/>		<u>M1</u>		
SPEED APPROX.	P.F. MAX. SPD.	VEH. LMT.	SAFE	<input type="checkbox"/> RADAR	BEAT
>				<input type="checkbox"/> LASER #	N
LOCATION OF VIOLATION(S)					
LANE NO. W E S					
AT <u>1752 GUADALUPE AVE SAN JOSE</u>					
COMMENTS (WEATHER, ROAD, AND TRAFFIC CONDITIONS) <u>CA 95125</u> <input type="checkbox"/> ACCIDENT					
<input type="checkbox"/> VIOLATIONS NOT COMMITTED IN MY PRESENCE, DECLARED ON INFORMATION AND BELIEF. I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct.					
<u>Carolyn Fajis</u> <u>0215</u> to					
ARRESTING OR CITING OFFICER BADGE NO. DATES OFF					
11/14/07 NAME OF ARRESTING OFFICER IF DIFFERENT FROM CITING OFFICER BADGE NO. DATES OFF					
WITHOUT ADMITTING GUILT, I PROMISE TO APPEAR AT THE TIME AND PLACE INDICATED BELOW. <u>C.O. Fajis</u>					
WHEN: DAY: <u>WEDS.</u> DATE: <u>1/23/08</u> TIME: <u>902 AM</u> <input type="checkbox"/> PM					
WHAT TO DO: FOLLOW THE INSTRUCTIONS ON THE REVERSE.					
WHERE: <input checked="" type="checkbox"/> CRIMINAL SUPERIOR COURT <input type="checkbox"/> JUVENILE MISD. <input type="checkbox"/> TRAFFIC COURT 100 W. Hedding St. 2610 N. First Street 935 Ruff Dr. San Jose, CA 95110 San Jose, CA 95134 San Jose, CA 95110 (408) 808-6600 (408) 435-2275 (408) 808-3100					
<input type="checkbox"/> TO BE NOTIFIED					
PFN (FOR COURT USE ONLY) CEN (FOR COURT USE ONLY)					
Notice to Appear form approved by the Judicial Council of California. 200-15 (Rev. 03/01/04) (Veh. Code §§ 40500(b), 40513(b), 40522, 40600; Pen. Code § 863.9)					
COURT COPY SEE REVERSE TR-130					

140218

**EXHIBIT D**



*Department of Planning, Building and Code Enforcement*  
JOSEPH HORWEDEL, DIRECTOR

January 17, 2008

Carolyn H. Friis, Trustee  
 Guadalupe Acres Trust  
 1752 Guadalupe Avenue  
 San Jose, CA 95125-1227

Dear Ms. Friis:

**RE: 1752 GUADALUPE AVENUE**

It was a pleasure meeting with you yesterday, January 16, 2008. As a result of our meeting, I have agreed to dismiss criminal citation #J3147256 and, in return, you have agreed to complete the following items by no later than March 18, 2008:

1. Remove the two rear accessory structures (measuring 28' x 13' and 16' x 16') or reduce both accessory structures to 120' square feet or less.
2. Remove all bedding from the garage conversion and side addition and cease using the garage conversion and side addition as a sleeping area.
3. Allow re-inspection of the property, and all structures, on or by March 18, 2008.

Anticipating that the above items are corrected by that date; we will discuss a compliance schedule to address the remaining code violations including the rear addition to the garage, the conversion of the garage, the patio overhang and the sunroom. I have included a copy of the Building Inspector's report, for your reference.

I am looking forward to your cooperation in correcting these long-standing code violations. Should you have any questions or any new information regarding this case, please contact feel free to contact Code Enforcement Inspector James Young at (408) 277-8427.

Sincerely,

Michael Hannon, Code Enforcement Official  
 Planning, Building and Code Enforcement

MH:JY:sck

**EXHIBIT E**

CITY OF SAN JOSE  
170 WEST SAN CARLOS STREET  
SAN JOSE, CA 95113

February 8, 2008

Certified Mail 7004 0750 0000 3563 7779

attn: Mayor and City Council doing business under FEINs 946000419; 770250396 or 942944864

Dear Sirs/Madams

On November 14, 2007 nine armed actors; John and Jane Does 1 to 100 purporting to be employees of the public agency City of San Jose trespassed on posted private property at 1752 Guadalupe Ave, San Jose, California and conducted a Search as though they had a lawful Search Warrant. Without provocation they proceeded to harass, intimidate and threaten myself and other individuals who were present.

None of the trespassers displayed evidence that he/she had taken the Oath of Office required by Article XX, Section 3 of the Constitution of the State of California in light of Title 4 U.S.C. §101.

The armed impersonators did not display a Search Warrant based on probable cause supported by oath or affirmation as required by the 4<sup>th</sup> Amendment to the Constitution for the United States of America and by Article I Section 13 of the California Constitution.

Were not all of the actions of the impersonators clear violations of the sanctity of my home in willful premeditated violation of the guarantees of the protections of Article 4 of the Constitution for the United State and Article 1, Section 1 of the Constitution for the State of California?

In addition to banning acts of Terrorism does not California law prohibit cities and counties from enforcing city or county codes and ordinances upon property that is not OWNED by the city or county - even if the property is within city limits?

What is particularly disturbing is that it appears that it is the City of San Jose's long time policy to conduct terrorist like raids as described above without lawful probable cause for the purpose of harassing, intimidating and threatening good Californians for corporate city purposes. Honestly, now I know what it must feel like to raped, violated and abused.

Demand is hereby made that the City of San Jose produce the foundation documentation within Five (5) days from your receipt of this petition that establishes dispository your corporation's claim of right superior to the Trust's claim and possession of the subject property

If you are unable or refuse to produce the evidentiary proof of your corporate agency's superior claim to the subject property within the allotted time frame won't sufficient proof be established for a claim of restitution for all damages, civil and criminal sustained under the terrorist like raid of November 14, 2007 described herein and establish that a breach of my personal close (trespass vi et armis) is called for as provided for under Article 1, Section 28 of the California Constitution?

If you decide not to rebut in like form this letter and the accompanying Affidavit (001chf Affidavit) within 5 days of receipt of this letter it will accepted as evidence that you agree with the content of these documents in a manner most favorable to me and my friends.

Sincerely



Carolyn H. Friis  
1752 Guadalupe Ave  
San Jose, California

California )  
              )     AFFIDAVIT     Tracking # 001chf Affidavit  
Santa Clara County )

1. Affiant affirms that she is over the age of 18 years, is competent to state to the matters in this affidavit, has first hand knowledge of the facts stated herein and affirms that to the best of her knowledge the statements made in this affidavit are true, correct, complete, and not meant to mislead.

2. Affiant has NO knowledge of NOR has she been presented with any material fact or evidence that:

a. the City of San Jose is not a corporation doing business under several FEINs, including 946000419, 770250396 or 942944864 which makes it subject to the laws of commerce such as the Uniform Commercial Code, Fair Debt Collection Practices Act, etc.

b. corporate municipalities such as the City of San Jose do not have authority to exert acts of ownership and control over property that is not OWNED by them.

c. the corporate City of San Jose owns the property located at 1752 Guadalupe Dr, San Jose, California.

d. the raid and search of the property at 1752 Guadalupe Dr, San Jose (hereinafter "subject property") on November 14, 2007 was not done under mere color of law without support of an Affidavit of Probable Cause under oath or affirmation.

e. the Mayor, City Council and other Officers participating in the raid on the subject property on November 14, 2007 did not under color of law, statute, ordinance, regulation, and custom willfully and intentionally conspire to oppress, threaten, and intimidate Carolyn H Friis and her friends to the deprivation of their rights, privileges and immunities in the free exercise and enjoyment of her/their rights secured by the Constitution or laws of the United States and Constitution of the State of California in general and in particular Article I Section 1 of the Constitution of the State of California.

f. The City of San Jose and it's Officers are not individually and collectively, publicly and privately liable for compensation for damages to Carolyn H Friis, her friends and the subject property as the result of the raid on November 14, 2007 on the subject property.

g. the armed impersonators who raided the subject property on November 14, 2007 have taken the Oath of Office required by the Constitution of the State of California, Article XX, Section 3 of the Constitution of the State of California in light of Title 4 U.S.C. §101.

h. The Citation # J 3147256 purportedly issued on November 14, 2007 is not a counterfeited security which is null and void ab initio.

i. the proceeding against Carolyn H Friis is not a commeroial proceeding governed by commercial law.

j. Carolyn H. Friis entered into any agreements with the City of San Jose or Michael Hannon nor does her signature appear on any document in which Carolyn H. Friis waived any of her rights as guaranteed by the Constitution for the United States or the Constitution of the State of California.

k. Carolyn H. Friis is the Trustee of the Guadalupe Acres Trust.

l. Carolyn H. Friis is not the Beneficiary of the Guadalupe Acres Trust.

m. the Supreme Court did not rule that municipalities cannot exert any acts of ownership and control over property that is not OWNED by them, see Palazzolo v. Rhode Island 533 US

606, 150 L.Ed. 2d 592 (2001) (no expiration date on the taking clause for city's illegal enforcement of its codes on the man's private property and restricting the man's business), affirming both Lucas v. South Carolina Coastal Council, 505 US 1003, 120 L. Ed. 2d 798 (1992) (butcher activists and code enforcement cannot restrict development of the man's private swampland unless they lawfully acquire the land FIRST, surveying with binoculars constitutes a "takings"), and Monterey v. Del Monte Dunes, 526 US 687 (1999), 143 L.Ed. 2d 882, 119 S.Ct. \_\_\_\_ (1998) (In the Monterey case, the California private property owner was awarded \$8 million for code enforcement's illegal trespass and restriction of his business, and another \$1.45 million for the aggravation of a forced sale).

n. all parties involved in a proceeding must not seek non-judicial, private administrative resolution before seeking judicial review.

o. Notice to Principal is not Notice to Agent and Notice to Agent is not Notice to Principal.

p. an affidavit sworn or affirmed true, correct, complete, certain and not misleading. does not stand as the truth in commerce and judgment of the law if not fully rebutted point for point by counter affidavit sworn or affirmed true, correct, complete, certain and not misleading.

q. failure of an entity to supply information which it can provide or construct does not support an inference that those materials if unearthed would contradict the position of the entity.

r. Agency silence to Affiant's Affidavits, Counterclaim/s, etc (hereinafter 'Claims') will not mean Agency acquiescence to Affiant's Affidavits\Claims in a manner most favorable to Affiant and the Account.

s. that a failure to deny the facts and evidence contained in this document is not classified as an admission to said facts and evidence.

t. in Commerce, Truth is not sovereign.

u. an un-rebutted Affidavit does not stand as Truth in Commerce.

v. no more than affidavit is necessary to make the *prima facia* case.

w. an Affidavit does not stand as truth in commerce and becomes the law of the proceeding unless rebutted point for point by Affidavit.

x. Silence is not equated to agreement and acceptance

y. Affiant is not empowered to make a claim upon the official bond/s or insurance of the City of San Jose and it's employees in the amount of \$1,000,000 each.

Further Affiant sayeth not.

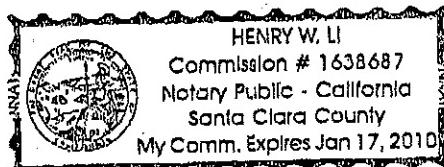
Carolyn H. Friis

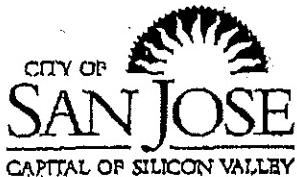
JURAT: State of California, County of Santa Clara

ss: Subscribed and sworn to (or affirmed) Before me on this 8 th day of February, 2008  
by Carolyn H. Friis personally known to me or proved to me on the basis of satisfactory  
evidence to be the person who appeared before me.

Notary  
HENRY W. LI

seal:





Department of Planning, Building and Code Enforcement  
JOSEPH HORWEDEL, DIRECTOR

January 17, 2008

Carolyn H. Friis, Trustee  
Guadalupe Acres Trust  
1752 Guadalupe Avenue  
San Jose, CA 95125-1227

Dear Ms. Friis:

**RE: 1752 GUADALUPE AVENUE**

It was a pleasure meeting with you yesterday, January 16, 2008. As a result of our meeting, I have agreed to dismiss criminal citation #J3 P4 X236 and, in return, you have agreed to complete the following items by no later than March 18, 2008:

1. Remove the two rear accessory structures (measuring 28' x 13' and 16' x 16') or reduce both accessory structures to 120' square feet or less.
2. Remove all bedding from the garage conversion and side addition and use the garage conversion and side addition as a sleeping area.
3. Allow re-inspection of the property, and all structures, on or by March 18, 2008.

Anticipating that the above items are corrected by that date, we will discuss a compliance schedule to address the remaining code violations including the rear addition to the garage, the conversion of the garage, the patio overhang and the sunroom. I have included a copy of the Building Inspector's report, for your reference.

I am looking forward to your cooperation in correcting these long-standing code violations. Should you have any questions or any new information regarding this case, please contact feel free to contact Code Enforcement Inspector James Young at (408) 277-8427.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Hannon".

Michael Hannon, Code Enforcement Official  
Planning, Building and Code Enforcement

MH:JY:sck

**SAN JOSE POLICE DEPARTMENT**

**NOTICE TO APPEAR**

CITATION NO. **No. J-8147256**

DATE OF VIOLATION: **11/07/07** DAY OF WEEK: **WEDNESDAY** CASE NUMBER: **11-07-07-00001**

NAME OF MUNICIPALITY: **CITY OF SAN JOSE** COUNTY: **SAN JOSE** STATE: **CA** ZIP CODE: **95111**

ADDRESS: **1000 BOX 1007**

CITY: **SAN JOSE** STATE: **CA** ZIP CODE: **95111**

DRIVER'S LICENSE NUMBER: **1111111111111111** AGE: **30** BIRTHDATE: **01/01/1977** GENDER: **MALE**

SEX: **M** RACE: **WHITE** OTHER DESCRIPTION: **REGULAR**

VEH. ID NO.: **1A11111111111111** COLOR: **WHITE** COMMERCIAL VEHICLE: **NO**

VR# OF VEHICLE: **1** MODEL: **2007** MAKE: **TOYOTA**

EVIDENCE OF VIOLATION: **1. SPEEDING 2. DRIVING ON THE SIDEWALK**

INCIDENT NUMBER: **11-07-07-00001** DRIVER'S LICENSE NUMBER: **1111111111111111**

CONTRACT NUMBER: **1111111111111111** GOVERNMENT CONTRACT NUMBER: **1111111111111111**

VIOLATION SECTION NUMBER: **1111111111111111** VIOLATION DESCRIPTION: **1. SPEEDING 2. DRIVING ON THE SIDEWALK**

EXPIRATION DATE: **11-07-07**

VEHICLE LOCATION: **1000 BOX 1007**

COMMENTS (WEATHER, ROAD, ACTUAL CONDITIONS): **1. SPEEDING 2. DRIVING ON THE SIDEWALK**

ARRESTING/OFFICER'S NAME: **OFFICER J. HARRIS** OFFICER'S BADGE NUMBER: **1111111111111111** DATE OFFICER HAD VIOLATION: **11-07-07**

WITHHELD ADMITTING GUILTY: **I PROMISE TO APPEAR AT THE TIME AND PLACE INDICATED BELOW.**

TIME: **11:00 AM** DATE: **11-07-07** PLACE: **JUVENILE COURT**

IF I HAVE BEEN ADVISED OF MY RIGHTS, I HAVE READ THEM AND UNDERSTAND THEM.

WHAT TO DO FOLLOWING THE INSTRUCTIONS ON THE REVERSE SIDE:

WHEREAS I AM CRIMINALLY CHARGED WITH A JUVENILE MISDEMEANOR, I HEREBY SIGNIFY THAT I HAVE BEEN ADVISED OF MY RIGHTS, I HAVE READ THEM AND UNDERSTAND THEM.

1. PEN FOR COURT USE ONLY  
2. PEN FOR DEFENDANT'S USE ONLY  
3. PEN FOR COURT USE ONLY  
4. PEN FOR DEFENDANT'S USE ONLY

Defendant Copy SEE REVERSE TA-130

**EXHIBIT F**

Inspector James Young  
% City of San Jose  
170 W. San Carlos St  
San Jose, CA 95113

June 26, 2008

Certified Mail:

RECEIVED

JUL 1 2008

Dear Inspector James Young

On Wednesday, June 25, 2008 did you not harass me, invade my privacy and trespass on the property (hereinafter 'the Property') commonly known as 1752 Guadalupe Ave, San Jose, California despite the fact that the Property was clearly Posted with No Trespassing signs?

On Wednesday, June 25, 2008 did you not without my permission call me 3 times on the phone; 408-266-7713 with the intent to harass me and invade my privacy?

Do you have any evidence that your actions on Wednesday, June 25, 2008 were not harassment and invasion of my privacy in violation of the Judgment of March 5, 2008 (hereinafter 'the Judgment') and common business practices?

Do you have any evidence that the Judgment of March 5, 2008 is not a valid Judgment against the City of San Jose (hereinafter 'the City') and it's agents which prohibits acts of harassment and invasion of privacy and provides penalty for such actions?

Do you have any evidence that the City or yourself have a material interest in the Property?

Do you have any evidence that the Property is not private Property?

Do you have any evidence that the City of San Jose Municipal Codes are enforceable against private Property?

Do you have any evidence that your harassment and invasion of privacy on June 25, 2008 does not add at least \$2,000,000 to the amount of the Judgment?

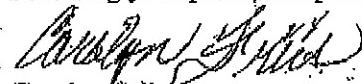
If you have evidence of any of the above, kindly promptly produce such documentation.

Due to your continuing harassment and violation of privacy rights hasn't at least \$2,000,000 been added to the amount of the Judgment; ie, \$10,000,000 Doesn't this mean that now Carolyn Friis is owed a total of \$12,000,000 by yourself and the City?

Kindly provide me with the Name and Address of the Claim Office and amount of the City's and your Bond/s.

Please produce the requested documents within 72 hours of receipt of this letter.

Awaiting your prompt response:



Carolyn Friis  
1752 Guadalupe Ave  
San Jose, California

cc: San Jose Mayor & City Council  
% San Jose City Hall  
200 E Santa Clara St, San Jose, CA 95113

009chf sj Request for Documents